

SMITH & LOWNEY, P.L.L.C.
2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

June 26, 2015

Via Certified Mail – Return Receipt Requested
Citizen Suit Coordinator
Environment and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, DC 20044-7415

RECEIVED ON:

JUN 29 2015

EPA Region 10
Office of the Regional Administrator

Via Certified Mail – Return Receipt Requested
Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Via First Class Mail
Administrator Dennis McLerran
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Ste. 900
Seattle, WA 98101

Re: Waste Action Project v. Ameron International Corp., W.D. Wash. No. 15-01026-JCC

Dear Honorable Civil Servants:

Please find enclosed the proposed consent decree for the above-named Clean Water Act citizen suit. The motion for entry of the consent decree has been noted to allow time for your statutory 45-day review.

Sincerely,

s/Elizabeth H. Zultoski
Elizabeth H. Zultoski
Attorney for Plaintiff

c: Lynn Manolopoulos (via email, enclosure omitted)

RECEIVED ON:

JUN 8 2012

Office of the Regional Administrator
EPA Region 10

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASTE ACTION PROJECT,

Plaintiff,

v.

AMERON INTERNATIONAL CORP.,

Defendant.

No. 2:15-cv-01026 JCC

CONSENT DECREE

I. STIPULATIONS

Plaintiff Waste Action Project ("WAP") sent a sixty-day notice of intent to sue letter to Defendant Ameron International Corp. dba Ameron International Corp, PPD ("Ameron") on or about March 12, 2015, and filed a complaint on June 25, 2015, alleging violations of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, relating to discharges of stormwater from Ameron's facility in Everett, Washington, and seeking declaratory and injunctive relief, civil penalties and attorneys' fees and costs.

WAP and Ameron agree that settlement of this matter is in the best interest of the parties, and that entry of this Consent Decree is the most appropriate means of resolving this action.

WAP and Ameron stipulate to the entry of this Consent Decree without trial, adjudication,

CONSENT DECREE: No. 2:15-cv-01026 JCC
p. 1

Smith & Lowney, p.l.l.c.
2317 East John St.
Seattle, Washington 98112
(206) 860-2883


1 or admission of any issues of fact or law regarding WAP's claims or allegations set forth in its
2 complaint and its sixty-day notice.

3 DATED this 26 day of June, 2015.

4 DAVIS WRIGHT TREMAINE


SMITH & LOWNEY PLLC


5
6 By /s/ Lynn T. Manolopoulos
7 Lynn T. Manolopoulos, WSBA #21069
8 Attorneys for Defendant Ameron
International Corp.

By 
Knoll Lowney, WSBA #23457
Elizabeth H. Zultoski, WSBA #44988
Attorneys for Plaintiff Waste Action Project

9 AMERON INTERNATIONAL CORP.

WASTE ACTION PROJECT

10
11 By 
12 Thomas C. Zyroll, Jr.
13 President, Ameron International

By 
Greg Wingard
Waste Action Project, Executive Director

14 **II. ORDER AND DECREE**

15 THIS MATTER came before the Court upon the foregoing Stipulations of the parties.
16 Having considered the Stipulations and the promises set forth below, the Court hereby ORDERS,
17 ADJUDGES, and DECREES as follows:

- 18 1. This Court has jurisdiction over the parties and subject matter of this action.
19 2. Each signatory for the parties certifies for that party that he or she is authorized to
20 enter into the agreements set forth below.
21 3. This Consent Decree applies to and binds the parties and their successors and
22 assigns.
23 4. This Consent Decree and any injunctive relief ordered within will apply to the
24 operation, oversight, or both by Ameron of its facility located at 1130 W. Marine View Drive,
25
26

CONSENT DECREE: No. 2:15-cv-01026 JCC
p. 2

DWT 26924053v9 0061566-000006

Smith & Lowney, p.l.l.c.
2317 East John St.
Seattle, Washington 98112
(206) 860-2883

1 Suite A, Everett, WA ("Facility"), which is subject to National Pollutant Discharge
2 Elimination System Permit No. WAR011666 ("NPDES Permit").

3 5. This Consent Decree is a full and complete settlement and release of all the claims
4 in the complaint, the sixty-day notice and all other claims known and unknown, contingent or
5 otherwise, for any acts or omissions, existing as of the date of entry of this Consent Decree, that
6 could be asserted under the Clean Water Act, 33 U.S.C. §§ 1251-1387, against Ameron, its
7 affiliates, employees, agents, successors and assigns arising from operations of the Facility. These
8 claims are released and dismissed with prejudice.
9

10 6. This Consent Decree is a settlement of disputed facts and law.

11 7. Ameron agrees to the following terms and conditions in full and complete
12 satisfaction of all the claims covered by this Consent Decree:

13 a. Ameron will comply fully with all conditions of its NPDES Permit and any
14 successor, modified, or replacement permit authorizing discharges of stormwater
15 associated with industrial activity from the Facility;

16 b. Ameron will complete and implement a Level Three Corrective Action that
17 fulfills all of the requirements of the NPDES Permit by:

18 1) no later than September 30, 2015, installing downspout filters to
19 treat stormwater runoff from the downspout of Ameron's lab building, which is located
20 south of catch basin SD9, and the central downspout for Ameron's manufacturing
21 building, which is located near the Facility's sand blast area. The downspout filters for
22 Ameron's lab and manufacturing buildings will be in addition to the downspout filter
23 Ameron is installing pursuant to Paragraph 7.d below;

24 2) no later than September 30, 2015, installing catch basin inserts for
25
26

1 catch basins SD-9 and SD-10. These inserts will contain media specifically selected to
2 remove metals from Ameron's stormwater;

3 3) no later than September 30, 2017, installing and fully implementing
4 an end-of-pipe treatment system, such as the StormwaterRx Aquip system. Ameron must
5 provide written notice to WAP within one (1) week of receiving approval from the
6 Washington Department of Ecology of Ameron's Engineering Report for the treatment
7 system and within one (1) week of fully implementing the treatment system. If Ameron
8 installs this system by September 30, 2015, it shall not be obligated to install the
9 downspout filters or catch basin inserts described in Paragraphs 7.b.1 and 2 above, or
10 perform the sweeping and pressure washing described in Paragraph 7.c below.

12 Notwithstanding the above, all obligations in this Paragraph will terminate and
13 have no further force or effect if and when Ameron ceases operations at the Facility and
14 submits a NOT for Permit No. WAR011666 to Ecology;

16 c. Upon entry of this Consent Decree, Ameron will: 1) increase the sweeping
17 of the entire drainage basin contributing flow to catch basin SD-9 with a high efficiency
18 vacuum sweeper from once per month to once per week; and 2) pressure wash the asphalt
19 pavement around the sand blast area once per month.. Pressure wash water will be
20 collected and disposed to sanitary sewer. At a minimum, the sweeping program must
21 provide extra attention to the area surrounding the baghouses at Ameron's facility.
22 Ameron must incorporate this sweeping program and pressure washing program into an
23 updated SWPPP and provide WAP with a copy of the updated SWPPP within thirty (30)
24 days after full implementation of the BMPs identified in Paragraph 7.a and 7.b.

26 Notwithstanding the above, all obligations in this Paragraph will terminate and have no

1 further force or effect if and when Ameron ceases operations at the Facility and submits a
2 NOT for Permit No. WAR011666 to Ecology;

3 d. Within eight (8) weeks of the effective date of this Consent Decree,
4 Ameron must install a downspout filter on the downspout located on the north side of the
5 Ameron Manufacturing Building to address a discharge with a soapy appearance observed
6 by WAP during its site visit on April 23, 2015. Ameron must provide written notice to
7 WAP within one (1) week of completing this installation. Notwithstanding the above, all
8 obligations in this Paragraph will terminate and have no further force or effect if and when
9 Ameron ceases operations at the Facility and submits a NOT for Permit No. WAR011666
10 to Ecology;
11

12 e. If Ameron intends to terminate its ISGP permit coverage at the Facility,
13 Ameron must notify WAP within one (1) week of the date it submits a NOT for Permit
14 No. WAR011666 to Ecology but only if the Consent Decree has not terminated before
15 such notice is due. If Ameron moves industrial activities to a new location before this
16 Consent Decree terminates, Ameron must immediately obtain coverage under the ISGP
17 (or the equivalent permit if the location is in a different state) for any discharges of
18 stormwater from the facility requiring coverage under the ISGP. If coverage is required at
19 a new facility, Ameron must provide a copy of its permit application and/or coverage for
20 its new facility to WAP in a timely manner but only if the application is prepared or
21 coverage is obtained by Ameron before this Consent Decree terminates;
22

23 f. For a period of two (2) years commencing on the effective date of this
24 agreement, Ameron will, no later than the discharge monitoring report due dates specified
25 by the Permit, send to WAP, without charge, copies of all documents, including but not
26

1 limited to discharge monitoring reports, correspondence, engineering reports,
2 electronically transmitted information, and inspection reports, concerning the NPDES
3 Permit or any successor, modified, or replacement permit that Ameron has transmitted to,
4 or received from Ecology since the previous submission to WAP under this paragraph.
5 Notwithstanding the above, the obligations in this Paragraph will terminate and have no
6 further force or effect if and when Ameron ceases operations at the Facility and submits a
7 NOT for Permit No. WAR011666 to Ecology.
8

9 8. Ameron will pay a total of NINETY FOUR THOUSAND DOLLARS
10 (\$94,000.00) to the EarthCorps for a project or projects to improve or protect the water quality of
11 Puget Sound as described in **Attachment A** to this Consent Decree. To fulfill this obligation in
12 paragraph II.8 of this Consent Decree, Ameron will make one payment of \$47,000 no later than
13 thirty (30) days after the effective date of this Consent Decree and a second payment of \$47,000
14 no later than one (1) year after the effective date of this Consent Decree. Checks will be made to
15 the order of EarthCorps and delivered to: EarthCorps, Attn: Steve Dubiel, 6310 NE 74th Street,
16 Suite 201E, Seattle, WA 98115. Payments will include the following reference in a cover letter or
17 on the check: "Consent Decree, Waste Action Project v. Ameron." A copy of the check and
18 cover letter, if any, will be sent simultaneously to WAP and its counsel. Ameron's obligations in
19 this paragraph II.8 of this Consent Decree continue even if Ameron ceases operations at the
20 Facility and submits a NOT for Permit No. WAR011666 to Ecology;
21

22
23 9. Within seven (7) days of entry of this Consent Decree by the Court, Ameron
24 shall pay WAP's litigation fees, expenses, and costs (including reasonable attorney and expert
25 witness fees) incurred in this matter in the amount of fifteen thousand dollars (\$15,000.00) by
26 check payable and mailed to Smith & Lowney, PLLC, 2317 East John St., Seattle, WA

1 98112, attn: Knoll Lowney. Ameron's payment shall be in full and complete satisfaction of
2 any claims WAP has or may have, either legal or equitable, and of any kind or nature
3 whatsoever, for fees, expenses, and costs incurred in the litigation. Ameron's obligations in
4 this paragraph II.9 of this Consent Decree continue even if Ameron ceases operations at the
5 Facility and submits a NOT for Permit No. WAR011666 to Ecology;

6
7 10. A force majeure event is any event outside the reasonable control of Ameron
8 that causes a delay in performing tasks required by this Consent Decree that cannot be cured
9 by due diligence. Delay in performance of a task required by this Consent Decree caused by a
10 force majeure event is not a failure to comply with the terms of this Consent Decree, provided
11 that Ameron notifies WAP of the event; the steps that Ameron will take to perform the task;
12 the projected time that will be needed to complete the task; and the measures that have been
13 taken or will be taken to prevent or minimize any impacts to stormwater quality resulting
14 from delay in completing the task.

15
16 Ameron will notify WAP of the occurrence of a force majeure event as soon as reasonably
17 possible but, in any case, no later than fifteen days after the occurrence of the event. In such
18 event, the time for performance of the task will be extended for a reasonable period of time
19 following the force majeure event.

20 By way of example and not limitation, force majeure events include

- 21
22 a. Acts of God, war, insurrection, or civil disturbance;
23 b. Earthquakes, landslides, fire, floods;
24 c. Actions or inactions of third parties over which Ameron has no control;
25 d. Unusually adverse weather conditions;
26 e. Restraint by court order or order of public authority;

1 f. Strikes;

2 g. Any permit or other approval sought by Ameron from a government
3 authority to implement any of the actions required by this Consent Decree
4 where such approval is not granted or is delayed, and where Ameron has
5 timely and in good faith sought the permit or approval; and
6

7 h. Litigation, arbitration, or mediation that causes delay.

8 11. This Court retains jurisdiction over this matter. And, while this Consent Decree
9 remains in force, this case may be reopened without filing fee so that the parties may apply to the
10 Court for any further order that may be necessary to enforce compliance with this Consent Decree
11 or to resolve any dispute regarding the terms or conditions of this Consent Decree. In the event of
12 a dispute regarding implementation of, or compliance with, this Consent Decree, the parties must
13 first attempt to resolve the dispute by meeting to discuss the dispute and any suggested measures
14 for resolving the dispute. The provisions of section 505(d) of the Clean Water Act, 33 U.S.C. §
15 1365(d), regarding awards of costs of litigation (including reasonable attorney and expert witness
16 fees) to any prevailing or substantially prevailing party, will apply to any proceedings seeking to
17 enforce the terms and conditions of this Consent Decree.
18

19 12. The parties recognize that, pursuant to 33 U.S.C. § 1365(c)(3), no consent
20 judgment can be entered in a Clean Water Act suit in which the United States is not a party prior
21 to 45 days following the receipt of a copy of the proposed consent judgment by the U.S. Attorney
22 General and the Administrator of the U.S. Environmental Protection Agency (EPA). Therefore,
23 upon the filing of this Consent Decree by the parties, Waste Action Project will serve copies of it
24 upon the Administrator of the EPA and the Attorney General, with a copy to Ameron.
25

26 13. The effective date of this Consent Decree is the date it is entered by this Court.

1 The Consent Decree terminates three (3) years after that date or if Ameron ceases operations at
2 the Facility and submits a NOT for Permit No. WAR011666 to Ecology before the end of the
3 three (3) year period, the Consent Decree terminates 30 days after Ameron submits a NOT for
4 Permit No. WAR011666 to Ecology provided it has made the payments required in Paragraphs 8
5 and 9.
6

7 14. Both parties have participated in drafting this Consent Decree.

8 15. This Consent Decree may be modified only upon the approval of the Court.

9 16. If for any reason the Court should decline to approve this Consent Decree in the
10 form presented, this Consent Decree is voidable at the discretion of either party. The parties
11 agree to continue negotiations in good faith in an attempt to cure any objection raised by the
12 Court to entry of this Consent Decree.
13

14 17. Notifications required by this Consent Decree must be in writing. The sending
15 party may use any of the following methods of delivery: (1) personal delivery; (2) registered or
16 certified mail, in each case return receipt requested and postage prepaid; (3) a nationally
17 recognized overnight courier, with all fees prepaid; or (4) e-mail. For a notice or other
18 communication regarding this Consent Decree to be valid, it must be delivered to the receiving
19 party at the one or more addresses listed below or to any other address designated by the receiving
20 party in a notice in accordance with this paragraph 17.
21

22 **if to Waste Action Project:**

23 Greg Wingard
24 Waste Action Project
25 P.O. Box 4832
26 Seattle, WA 98194

and to:

Elizabeth Zultoski
Knoll Lowney
Smith & Lowney PLLC
2317 East John St.
Seattle, WA 98112
email: elizabethz@igc.org, knoll@igc.org

if to Ameron:

Jeff Mann
Ameron International Corp.
7909 Parkwood Circle
Houston, TX 77036
email: jeff.mann@nov.com

and to:

Lynn T. Manolopoulos
Davis Wright Tremaine
777 108th Avenue NE
Suite 2300
Bellevue, WA 98004
Email: lynnmanolopoulos@dwt.com

A notice or other communication regarding this Consent Decree will be effective when received unless the notice or other communication is received after 5:00 p.m. on a business day, or on a day that is not a business day, then the notice will be deemed received at 9:00 a.m. on the next business day. A notice or other communication will be deemed to have been received: (a) if it is delivered in person or sent by registered or certified mail or by nationally recognized overnight courier, upon receipt as indicated by the date on the signed receipt; or (b) if the receiving party rejects or otherwise refuses to accept it, or if it cannot be delivered because of a change in address for which no notice was given, then upon that rejection, refusal, or inability to deliver; or (c) for notice provided via e-mail, upon receipt of a response by the party providing notice or other communication regarding this Consent Decree.

1 DATED this ____ day of _____, 2015.

2
3
4 HON JOHN C. COUGHENOUR
5 UNITED STATES DISTRICT JUDGE

6 Presented by:

7 DAVIS WRIGHT TREMAINE

8 SMITH & LOWNEY PLLC

9 By /s/ Lynn T. Manolopoulos
10 Lynn T. Manolopoulos, WSBA #21069
11 Attorneys for Defendant Ameron

By s/Elizabeth H. Zultoski
Knoll Lowney, WSBA #23457
Elizabeth H. Zultoski, WSBA #44988
Attorneys for Plaintiff
Waste Action Project

June 25, 2015

RE: Waste Action Project- Ameron Pole Products

To Whom It May Concern:

EarthCorps is a community-based organization dedicated to protecting and restoring local watershed lands around Puget Sound. We are a 501(c)3 nonprofit. EarthCorps' mission is to build a global community of leaders through local environmental service.

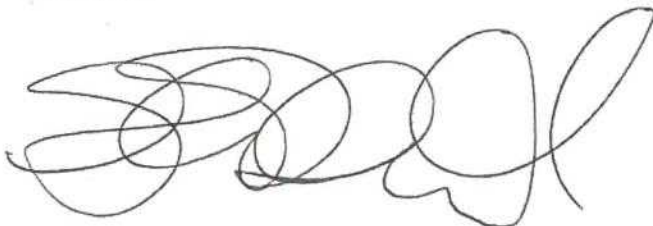
I have reviewed the draft consent decree that provides for payment of of \$94,000 paid in two installments of \$47,000 each by Ameron Pole Products to EarthCorps to be used to improve water quality in in the City of Everett and the surrounding Snohomish River Estuary. Work may include rain garden construction, invasive plant control, native planting, and other stewardship activities.

All money received as part of this agreement will be used for this project and materials. No money will be spent for political lobbying activities. This project will benefit water quality. We plan to work with young adult corps members who participate in EarthCorps' training and service program and possibly with community volunteers.

EarthCorps will report back to Ameron Pole Products and Waste Action Project upon completion of the described project.

Please do not hesitate to contact me with questions or for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Dubiel', with a stylized, cursive script.

Steve Dubiel

Executive Director

LOCAL RESTORATION | GLOBAL LEADERSHIP

6310 NE 74th Street, Suite 201E Seattle, WA 98115 phone 206.322.9296 fax 206.322.9312 www.earthcorps.org

SMITH & LOWNEY, P.L.L.C.

~~2317 EAST JOHN STREET~~
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

June 26, 2015

Via Certified Mail – Return Receipt Requested

Gina McCarthy
Administrator
U.S. EPA
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Via Certified Mail – Return Receipt Requested

Attorney General – Citizen Suit Coordinator
Environmental and Natural Resources Division
Law and Policy Section
P.O. Box 7415
Ben Franklin Station
Washington, D.C. 20044-7415

Via Certified Mail – Return Receipt Requested

Dennis McLerran, Administrator
U.S. EPA Region 10
1200 Sixth Ave.
Seattle WA 98101

Re: *Waste Action Project v. Ameron International Corp.*, W.D. Wash. No. 15-01026-JCC

Dear Honorable Civil Servants,

Enclosed is a copy of the complaint filed yesterday in the Western District of Washington in the above-named Clean Water Act citizen suit. This notice is provided to you pursuant to 40 CFR 135.4.

Sincerely,

SMITH & LOWNEY, P.L.L.C.

By: s/ Elizabeth H. Zultoski
Elizabeth H. Zultoski

Knoll Lowney
Elizabeth Zultoski
SMITH & LOWNEY, PLLC
2317 East John Street
Seattle, Washington 98112
(206) 860-2883

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WASTE ACTION PROJECT,

Plaintiff,
v.

AMERON INTERNATIONAL CORP. dba
AMERON INTERNATIONAL CORP,
PPD,

Defendant.

COMPLAINT

I. INTRODUCTION

1. This action is a citizen suit brought under Section 505 of the Clean Water Act ("CWA") as amended, 33 U.S.C. § 1365. Plaintiff, Waste Action Project, seeks a declaratory judgment, injunctive relief, the imposition of civil penalties, and the award of costs, including attorneys' and expert witness fees, for defendant Ameron International Corp. dba Ameron International Corp, PPD's ("Defendant") repeated and ongoing violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and the terms and conditions of the National

COMPLAINT - 1

SMITH & LOWNEY, P.L.L.C.
2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883

1 Pollutant Discharge Elimination System ("NPDES") permits authorizing discharges of pollutants
2 from Defendant's facility to navigable waters.

3 II. JURISDICTION AND VENUE

4 2. The Court has subject matter jurisdiction under Section 505(a) of the CWA, 33
5 U.S.C. § 1365(a). The relief requested herein is authorized by 33 U.S.C. §§ 1319(d) and
6 1365(a).
7

8 3. In accordance with Section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A),
9 Waste Action Project notified Defendant of Defendant's violations of the CWA and of Waste
10 Action Project's intent to sue under the CWA by letter dated and postmarked March 12, 2015
11 ("Notice Letter"). A copy of the Notice Letter is attached to this complaint as Exhibit 1. The
12 allegations in the Notice Letter are incorporated herein by this reference. In accordance with 33
13 U.S.C. § 1365(b)(1)(A) and 40 C.F.R. § 135.2(a)(1), Waste Action Project provided copies of the
14 Notice Letter to Defendant's Registered Agent, the Administrator of the United States
15 Environmental Protection Agency ("USEPA"), the Administrator of USEPA Region 10, and the
16 Director of the Washington Department of Ecology ("WDOE") by mailing copies to these
17 individuals on or about March 12, 2015.
18
19

20 4. At the time of the filing of this Complaint, more than sixty (60) days have passed
21 since the Notice Letter and copies thereof were issued in the manner described in the preceding
22 paragraph.
23

24 5. The violations complained of in the Notice Letter are continuing or are reasonably
25 likely to re-occur. Defendant is in violation of its NPDES permit and the CWA.
26

27 6. At the time of the filing of this Complaint, neither the USEPA nor the WDOE has
28 commenced any action constituting diligent prosecution to redress these violations.
29

1 7. The source of the violations complained of is located in Snohomish County,
2 Washington, within the Western District of Washington, and venue is therefore appropriate in
3 the Western District of Washington under Section 505(c)(1) of the CWA, 33 U.S.C. §
4 1365(c)(1).

5 6 **III. PARTIES**

7 8. Plaintiff, Waste Action Project, is suing on behalf of itself and its member(s).
8 Waste Action Project is a non-profit corporation organized under the laws of the State of
9 Washington. Waste Action Project is a membership organization and has at least one member
10 who is injured by Defendant's violations. Waste Action Project is dedicated to protecting and
11 preserving the environment of Washington State, especially the quality of its waters.
12

13 9. Plaintiff has representational standing to bring this action. Waste Action Project's
14 members are reasonably concerned about the effects of discharges of pollutants, including
15 stormwater from Defendant's facility, on aquatic species and wildlife that Plaintiff's members
16 observe, study, and enjoy. Waste Action Project's members are further concerned about the
17 effects of discharges from Defendant's facility on human health. In addition, discharges from
18 Defendant's facility lessen Waste Action Project's members' aesthetic enjoyment of nearby
19 areas. Waste Action Project has members who live, work, fish, and recreate around Puget Sound
20 and are affected by Defendant's discharges. Waste Action Project members' concerns about the
21 effects of Defendant's discharges are aggravated by Defendant's failure to record and timely
22 report information about its discharges and pollution controls. The recreational, scientific,
23 economic, aesthetic and/or health interest of Waste Action Project and its member(s) have been,
24 are being, and will be adversely affected by Defendant's violations of the CWA. The relief
25 sought in this lawsuit can redress the injuries to these interests.
26
27
28

1 10. Waste Action Project has organizational standing to bring this action. Waste
2 Action Project has been actively engaged in a variety of educational and advocacy efforts to
3 improve water quality and to address sources of water quality degradation in the waters of
4 western Washington, including Port Gardner Bay and Puget Sound. Defendant has failed to
5 fulfill monitoring, recordkeeping, reporting and planning requirements, among others, necessary
6 for compliance with its NPDES permit and the CWA. As a result, Waste Action Project is
7 deprived of information necessary to properly serve its members by providing information and
8 taking appropriate action to advance its mission. Waste Action Project's efforts to educate and
9 advocate for greater environmental protection, and to ensure the success of environmental
10 restoration projects implemented for the benefit of its members are also precluded. Finally,
11 Waste Action Project and the public are deprived of information that influences members of the
12 public to become members of Waste Action Project, thereby reducing Waste Action Project's
13 membership numbers. Thus, Waste Action Project's organizational interests have been
14 adversely affected by Defendant's violations. These injuries are fairly traceable to Defendant's
15 violations and redressable by the Court.

16
17
18
19 11. Defendant is a corporation authorized to conduct business under the laws of the
20 State of Washington.

21
22 12. Defendant owns and operates a concrete light pole manufacturing facility at or
23 about 1130 W. Marine View Drive, Suite A, Everett, WA, and contiguous and/or adjacent
24 properties (referred to herein as the "facility").

25 IV. LEGAL BACKGROUND

26
27 13. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of
28 pollutants by any person, unless in compliance with the provisions of the CWA. Section 301(a)

1 prohibits, inter alia, such discharges not authorized by, or in violation of, the terms of a NPDES
2 permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

3 14. The State of Washington has established a federally approved state NPDES
4 program administered by the WDOE. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch.
5 173-220. This program was approved by the Administrator of the USEPA pursuant to 33 U.S.C.
6 § 1342(b).
7

8 15. The WDOE has repeatedly issued the Industrial Stormwater General Permit
9 (“Permit”) under Section 402(a) of the CWA, 33 U.S.C. § 1342(a), most recently on October 21,
10 2009, effective January 1, 2010, modified May 16, 2012 (the “2010 Permit”), and on December
11 3, 2014, effective January 2, 2015 (the “2015 Permit”). The 2010 Permit and the 2015 Permit
12 (collectively, “the Permits”) contain substantially similar requirements and authorize those that
13 obtain coverage thereunder to discharge stormwater associated with industrial activity, a
14 pollutant under the CWA, and other pollutants contained in the stormwater to the waters of the
15 State subject to certain terms and conditions.
16
17

18 16. The Permits impose certain terms and conditions on those covered thereby,
19 including monitoring and sampling of discharges, reporting and recordkeeping requirements, as
20 well as restrictions on the quality of stormwater discharges. To reduce and eliminate pollutant
21 concentrations in stormwater discharges, the Permits require, among other things, that permittees
22 develop and implement best management practices (“BMPs”) and a Stormwater Pollution
23 Prevention Plan (“SWPPP”), and apply all known and reasonable methods of prevention,
24 control, and treatment (“AKART”) to discharges. The specific terms and conditions of the
25 Permits are described in detail in the Notice Letter. See Exhibit 1.
26
27
28
29

V. FACTS

17. Defendant filed with the WDOE applications for coverage under the Permits. WDOE granted Defendant coverage under the 2010 permit, effective May 20, 2009, under Permit Number WAR-011666. WDOE granted Defendant coverage under the 2015 Permit under the same permit number.

18. Defendant's facility discharges stormwater to the Port of Everett Stormwater System which discharges to Port Gardner Bay in Puget Sound.

19. Defendant has violated the Permits and Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, by discharging pollutants not in compliance with an NPDES Permit. Defendant's violations of the Permits and the CWA are set forth in sections I through VI of the Notice Letter attached hereto as Exhibit 1 and are incorporated herein by this reference. In particular and among the other violations described in the Notice Letter, Defendant has violated the Permits by failing to monitor discharges, implement BMPs to control stormwater quality, to timely complete adaptive management responses required by the Permits, and to timely submit complete and accurate reports.

20. Defendant has discharged stormwater containing levels of pollutants that exceed the benchmark values established by the Permits, including on the days on which Defendant collected samples with the results identified in bold in Table 1 below:

Table 1: Discharge Monitoring Data for Ameron under 2010 Permit

Quarter for which data reported	Outfall identification number	Turbidity (Benchmark = 25 NTU)	pH (Benchmark = outside range of 5-9 su)	Zinc (Benchmark = 117 ug/L)	Copper (Benchmark = 14 ug/L)	Oil (Benchmark = N)
1Q 2010	9	15	6.6	17	ND	N
2Q 2010	9	6.6	6.5	120	8.5	N
	15	4.2	10	28	3.5	N
3Q 2010	9	21	7	490	26	N
	15	3.3	6.5	35	5.8	N
4Q 2010	9	22	6	370	28	N
	15	9	6.8	29	ND	N
1Q 2011	9	9.7	8.5	170	12	N
	15	CA	8	CA	CA	N
2Q 2011	9	CA	CA	67	5.5	N
	15	CA	8.25	CA	CA	N
4Q 2011	9	CA	CA	86	1.1	N
	15	CA	CA	CA	CA	N
1Q 2012	9	CA	CA	170	12	N
	15	CA	CA	CA	CA	N
2Q 2012	9	CA	CA	90	CA	N
	15	CA	CA	CA	CA	N
4Q 2012	9	24	6.7	95	3.2	NR
	15	17	7.6	130	4.6	N
1Q 2013	9	19	7.4	310	29	N
	15	20	6.5	120	6.5	N
2Q 2013	9	23	7.74	240	13	N
	10	5	NR	67	10	NR
	15	5.8	6.62	35	5.4	N
3Q 2013	9	8.5	7.38	210	12	N
	10	6.9	7.19	200	41	N
	15	4.7	6.95	36	6.1	N
1Q 2014	9	CA	CA	170	15	N
	15	CA	CA	31	CA	N
2Q 2014	9	CA	CA	290	12	N
	15	CA	CA	NR	N	

Bold = benchmark exceedance

NR = no report

COMPLAINT - 7

SMITH & LOWNEY, P.L.L.C.
 2317 EAST JOHN STREET
 SEATTLE, WASHINGTON 98112
 (206) 860-2883

1 The Permits require Defendant's monitoring to be representative of discharges from the facility.
2 The stormwater monitoring data provided in Table 1 reflects the stormwater monitoring results
3 that Defendant has submitted to the WDOE.

4 21. Defendant's exceedances of the benchmark values indicate that Defendant is
5 failing to apply AKART to its discharges and/or is failing to implement an adequate SWPPP and
6 BMPs. Upon information and belief, Defendant violated the Permits by not developing,
7 modifying, and/or implementing BMPs and a SWPPP in accordance with the requirements of the
8 Permits, by not applying AKART to discharges from the facility. These requirements and
9 Defendant's violations thereof are described in detail in sections I and II of the Notice Letter,
10 attached hereto as Exhibit 1, and are incorporated herein by this reference.
11

12 22. Defendant has violated the monitoring requirements of the Permits. The
13 monitoring requirements and Defendant's violations thereof are described in section III of the
14 Notice Letter, attached hereto as Exhibit 1, and are incorporated herein by this reference.
15

16 23. Defendant has not conducted and/or completed the corrective action responses as
17 required by the Permits. These requirements of the Permits and Defendant's violations thereof
18 are described in section IV of the Notice Letter, attached hereto as Exhibit 1, and are
19 incorporated herein by this reference.
20

21 24. Condition S8.B of the Permits require a permittee to undertake a Level 1
22 corrective action whenever it exceeds a benchmark value identified in Condition S5. A Level 1
23 corrective action comprises review of the SWPPP to ensure permit compliance, revisions to the
24 SWPPP to include additional operational source control BMPs with the goal of achieving the
25 applicable benchmark values in future discharges, signature and certification of the revised
26 SWPPP, summary of the Level 1 corrective action in the annual report, and full implementation
27
28

1 of the revised SWPPP as soon as possible, but no later than the DMR due date for the quarter the
2 benchmark was exceeded. Condition S8.A of the 2015 Permit requires that Defendant
3 implement any Level 1 corrective action required by the 2010 Permit.

4 25. Defendant triggered Level 1 corrective action requirements for each benchmark
5 exceedance identified in Table 1 above. Defendant has violated the requirements of the Permits
6 described above by failing to conduct a Level 1 corrective action in accordance with Permit
7 conditions, including the required review, revision, and certification of the SWPPP, the required
8 implementation of additional BMPs, and the required summarization in the annual report, each
9 time since June 30, 2011, that its quarterly stormwater sampling results were greater than a
10 benchmark or outside the benchmark range for pH, including the benchmark excursions listed in
11 Table 1 above. These corrective action requirements and Defendant's violations thereof are
12 described in section IV.A of the Notice Letter, attached hereto as Exhibit 1, and are incorporated
13 herein by this reference.
14

15 26. Condition S8.C of the Permits require a permittee to undertake a Level 2
16 corrective action whenever it exceeds a benchmark value for any two quarters during a calendar
17 year. A Level 2 corrective action comprises review of the SWPPP to ensure permit compliance,
18 revision of the SWPPP to include additional structural source control BMPs with the goal of
19 achieving the benchmark in future discharges, signature and certification of the revised SWPPP
20 in accordance with Condition S3 of the Permits, summary of the Level 2 corrective action
21 (planned or taken) in the annual report, and full implementation of the revised SWPPP by August
22 31st of the following year, including installation of necessary structural source control BMPs.
23 Condition S8.A of the 2015 Permit requires that Defendant implement any Level 1 corrective
24 action required by the 2010 Permit.
25
26
27
28

1 27. Defendant triggered multiple Level 2 corrective action requirements for multiple
2 pollutant parameters as indicated by the benchmark exceedances in Table 1 above. Defendant
3 violated the requirements of the Permits described above by failing to conduct a Level 2
4 corrective action in accordance with permit conditions, including the required review, revision
5 and certification of the SWPPP, the required implementation of additional BMPs to ensure that
6 all points of discharge from the facility meet benchmarks, including additional structural source
7 control BMPs, and the required summarization in the annual report each time Defendant's
8 stormwater sampling results triggered the requirements of a Level 2 corrective action under the
9 provisions of the Permits. These violations include, but are not limited to, Defendant's failure to
10 fulfill these obligations for zinc triggered by its stormwater sampling during the calendar year of
11 2012 and 2014, and for copper triggered by its stormwater sampling during the calendar years of
12 2010 and 2013.

13 28. Condition S8.D of the Permits requires a permittee to undertake a Level 3
14 corrective action whenever it exceeds a benchmark value for any three quarters during a calendar
15 year. This is the most comprehensive adaptive management provision under the Permits. A
16 Level 3 corrective action under the 2010 Permit comprises review of the SWPPP to ensure
17 permit compliance, revisions to the SWPPP to include additional treatment BMPs with the goal
18 of achieving benchmarks in future discharges and additional operational and/or structural source
19 control BMPs if necessary for proper function and maintenance of treatment BMPs, signature
20 and certification of the revised SWPPP, and a summary of the Level 3 corrective action in the
21 annual report that describes how it was or will be determined whether existing treatment BMPs
22 will be modified/enhanced or new/additional treatment BMPs will be installed. A licensed
23 professional engineer, geologist, hydrogeologist, or certified professional in storm water quality

1 must design and stamp the portion of the SWPPP that addresses stormwater treatment structures
2 or processes. Before installing BMPs that require the site-specific design or sizing of structures,
3 equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, the
4 permittee must submit an engineering report, plans, and specifications, and an operations and
5 maintenance manual to WDOE for review. The engineering report must be submitted no later
6 than the May 15th prior to the Level 3 corrective action deadline. The plans and specifications
7 and the operations and maintenance manual must be submitted to WDOE at least thirty (30) days
8 before construction/installation. The revised SWPPP, including additional treatment BMPs,
9 must be fully implemented as soon as possible and no later than September 30th of the year
10 following that in which the Level 3 corrective action was triggered. Condition S8.A of the 2015
11 Permit requests that Defendant implement any Level 3 corrective action required by the 2010
12 Permit.
13

14
15 29. As indicated in Table 1 above, Defendant has triggered the Level 3 corrective action
16 requirements of the Permits. Defendant has violated these requirements by failing to conduct a Level 3
17 corrective action in accordance with permit conditions, including the required review, revision and
18 certification of the SWPPP, including the requirement to have a specified professional design and stamp
19 the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs,
20 including additional treatment BMPs to ensure that all points of discharge from the facility meet
21 benchmarks (not just the sampled point of discharge), the required submission of an engineering report,
22 plans, specifications, and an operations and maintenance plan, and the required summarization in the
23 annual report each time stormwater monitoring results for the facility have triggered the requirements of
24 a Level 3 corrective action under the provisions of the Permits. Defendant failed to timely fulfill these
25 obligations for zinc triggered by its stormwater sampling during the calendar year of 2010 and 2013.
26
27
28

1
2 30. Condition S9.B of the Permits requires Defendant to submit an accurate and
3 complete annual report to WDOE no later than May 15th of each year that includes specific
4 information. Defendant has violated these requirements. For example, Defendant violated this
5 condition by failing to include all of the required information in the annual reports it submitted
6 for years 2010, 2011, 2012, and 2013. These annual report requirements and Defendant's
7 violations thereof are described in section V of the Notice Letter, attached hereto as Exhibit 1,
8 and are incorporated herein by this reference.
9

10 31. Upon information and belief, Defendant has failed to comply with recording and
11 record keeping requirements of the Permits. These requirements and Defendant's violations
12 thereof are described in section VI of the Notice Letter, attached hereto as Exhibit 1, and are
13 incorporated herein by this reference.
14

15 32. Discharges from Defendant's facility contribute to the polluted conditions of the
16 waters of the State, including Port Gardner Bay and Puget Sound. Discharges from Defendant's
17 facility contribute to the ecological impacts that result from the polluted condition of these
18 waters and to Waste Action Project and its members' injuries resulting therefrom.
19

20 33. The vicinity of the facility's discharges are used by the citizens of Washington
21 and visitors, as well as at least one of Waste Action Project's members, for recreational
22 activities, including boating, biking, fishing and nature watching. Waste Action Project's
23 members also derive aesthetic benefits from the receiving waters. Waste Action Project's and its
24 members' enjoyment of these activities and waters is diminished by the polluted state of the
25 receiving waters and by Defendant's contributions to such polluted state.
26
27
28
29

1 34. A significant penalty should be imposed against Defendant under the penalty
2 factors set forth in 33 U.S.C. § 1319(d).

3 35. Defendant's violations were avoidable had Defendant been diligent in overseeing
4 facility operations and maintenance.

5 36. Defendant benefited economically as a consequence of its violations and failure to
6 implement improvements at the facility.

8 **VI. CAUSE OF ACTION**

9 37. The preceding paragraphs and the allegations in sections I through VI of the
10 Notice Letter, attached hereto as Exhibit 1, are incorporated herein.

11 38. Defendant's violations of its NPDES permits described herein and in the Notice
12 Letter constitute violations of sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342,
13 and violations of "effluent standard(s) or limitation(s)" as defined by section 505 of the CWA, 33
14 U.S.C. § 1365.

15 39. Upon information and belief, the violations committed by Defendant are ongoing
16 or are reasonably likely to continue to occur. Any and all additional violations of the Permits
17 and the CWA which occur after those described in Waste Action Project's Notice Letter but
18 before a final decision in this action should be considered continuing violations subject to this
19 Complaint.

20 40. Without the imposition of appropriate civil penalties and the issuance of an
21 injunction, Defendant is likely to continue to violate the Permits and the CWA to the further
22 injury of Waste Action Project, its members, and others.

23 41. A copy of this Complaint will be served upon the Attorney General of the United
24 States and the Administrator of the USEPA as required by 33 U.S.C. § 1365(c)(3).

VII. RELIEF REQUESTED

Wherefore, Waste Action Project respectfully requests that this Court grant the following relief:

A. Issue a declaratory judgment that Defendant has violated and continues to be in violation of the Permits and Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342;

B. Enjoin Defendant from operating the facility in a manner that results in further violations of the Permits or the CWA;

C. Order Defendant to immediately implement a SWPPP that is in compliance with the Permits;

D. Order Defendant to allow Waste Action Project to participate in the development and implementation of Defendant's SWPPP;

E. Order Defendant to provide Waste Action Project, for a period beginning on the date of the Court's Order and running for two years after Defendant achieves compliance with all of the conditions of the Permits, with copies of all reports and other documents which Defendant submits to the USEPA or to the WDOE regarding Defendant's coverage under the Permit at the time those documents are submitted to these agencies;

F. Order Defendant to take specific actions to remediate the environmental harm caused by its violations;

G. Grant such other preliminary and/or permanent injunctive relief as Waste Action Project may from time to time request during the pendency of this case;

H. Order Defendant to pay civil penalties of \$37,500.00 per day of violation for each violation committed by Defendant pursuant to Sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

1 I. Award Waste Action Project its litigation expenses, including reasonable
2 attorneys' and expert witness fees, as authorized by Section 505(d) of the CWA, 33 U.S.C. §
3 1365(d); and

4 J. Award such other relief as this Court deems appropriate.

5 RESPECTFULLY SUBMITTED this 25th day of June, 2015.

6
7 SMITH & LOWNEY, PLLC

8 By: s/Elizabeth H. Zultoski
9 Elizabeth H. Zultoski, WSBA # 44988

10 By: s/Knoll Lowney
11 Knoll Lowney, WSBA # 23457

12 2317 E. John Street, Seattle, WA 98112
13 Tel: (206) 860-2883; Fax: (206) 860-4187
14 Email: knoll@igc.org elizabethz@igc.org

15 *Attorneys for plaintiff Waste Action Project*

EXHIBIT A

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

March 12, 2015

Via Certified Mail - Return Receipt Requested

Managing Agent

Ameron International Corp. dba Ameron International Corp, PPD
1130 W. Marine View Drive, Suite A.
Everett, WA 98201

Re: **NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT AND
REQUEST FOR COPY OF STORMWATER POLLUTION PREVENTION
PLAN**

Dear Managing Agent:

We represent Waste Action Project, P.O. Box 4832, Seattle, WA 98194, (206) 849-5927. Any response or correspondence related to this matter should be directed to Smith and Lowney, P.L.L.C. at the letterhead address. This letter is to provide you with sixty days notice of Waste Action Project's intent to file a citizen suit against Ameron International Corp. dba Ameron International Corp, PPD ("Ameron") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, for the violations described below. This letter is also a request for a copy of the complete and current stormwater pollution prevention plan ("SWPPP") required by Ameron's National Pollution Discharge Elimination System ("NPDES") permit.

Ameron was granted coverage effective May 20, 2009, under Washington's Industrial Stormwater General Permit ("ISGP") issued by the Washington Department of Ecology ("Ecology") on August 21, 2002, effective September 20, 2002, modified on December 1, 2004, reissued on August 15, 2007, effective September 15, 2007, reissued again on October 15, 2008, effective November 15, 2008, and remaining effective through December 31, 2009, under NPDES permit No. SO3-011666 (the "2002 Permit"). Ameron was granted coverage under the subsequent iteration of the Washington ISGP issued by Ecology on October 21, 2009, effective January 1, 2010, modified May 16, 2012, effective July 1, 2012, and remaining effective through January 1, 2015, under NPDES Permit No. WAR-011666 (the "2010 Permit"). Ecology granted coverage under the current iteration of the ISGP, issued by Ecology on December 3, 2014, effective January 2, 2015, and set to expire on December 31, 2019, (the "2015 Permit") and maintains the same permit number, WAR-011666.

Ameron has violated and continues to violate the terms and conditions of the 2010 Permit and 2015 Permit (collectively, the "Permits") with respect to operations of, and discharges of stormwater and pollutants from, its facility located at or near 1130 W. Marine View Drive, Everett, WA 98201 (the "facility"). The facility subject to this notice includes any contiguous or adjacent properties owned or operated by Ameron.

I. COMPLIANCE WITH STANDARDS.

A. Violations of Water Quality Standards.

Condition S10.A of the Permits prohibit discharges that cause or contribute to violations of water quality standards. Water quality standards are the foundation of the CWA and Washington's efforts to protect clean water. In particular, water quality standards represent the U.S. Environmental Protection Agency ("EPA") and Ecology's determination, based on scientific studies, of the thresholds at which pollution starts to cause significant adverse effects on fish or other beneficial uses. For each water body in Washington, Ecology designates the "beneficial uses" that must be protected through the adoption of water quality standards.

A discharger must comply with both narrative and numeric water quality standards. WAC 173-201A-010; WAC 173-201A-510 ("No waste discharge permit can be issued that causes or contributes to a violation of water quality criteria, except as provided for in this chapter."). Narrative water quality standards provide legal mandates that supplement the numeric standards. Furthermore, narrative water quality standards apply with equal force, even when Ecology has established numeric water quality standards. Specifically, Condition S10.A of the Permits require that Ameron's discharges not cause or contribute to violations of Washington State's water quality standards.

Ameron discharges stormwater to the Port of Everett Stormwater system, which flows to Port Gardner Bay in Puget Sound. Ameron discharges stormwater that contains elevated levels of copper and zinc as indicated in the table of discharge monitoring data below. Further, the data provided in the table below represent samples collected from only one of Ameron's discharge points. Discharges of stormwater from the facility cause and/or contribute to violations of water quality standards for turbidity, zinc, and aesthetic criteria and have occurred each and every day during the last five years on which there was 0.1 inch or more of precipitation, and continue to occur. These water quality standards include those set forth in WAC 173-201A-200, -240, and -260(2). Precipitation data from the last five years are appended to this notice of intent to sue and identify days when precipitation met or exceed 0.1 inches per day.

Table 1: Discharge Monitoring Data for Ameron under 2010 Permit

Quarter for which data reported	Outfall identification number	Turbidity (Benchmark = 25 NTU)	pH (Benchmark = outside range of 5-9 su)	Zinc (Benchmark = 117 ug/L)	Copper (Benchmark = 14 ug/L)	Oil (Benchmark = N)
1Q 2010	9	15	6.6	17	ND	N
2Q 2010	9	6.6	6.5	120	8.5	N
	15	4.2	10	28	3.5	N
3Q 2010	9	21	7	490	26	N
	15	3.3	6.5	35	5.8	N
4Q 2010	9	22	6	370	28	N
	15	9	6.8	29	ND	N
1Q 2011	9	9.7	8.5	170	12	N
	15	CA	8	CA	CA	N
2Q 2011	9	CA	CA	67	5.5	N
	15	CA	8.25	CA	CA	N
4Q 2011	9	CA	CA	86	1.1	N
	15	CA	CA	CA	CA	N
1Q 2012	9	CA	CA	170	12	N
	15	CA	CA	CA	CA	N
2Q 2012	9	CA	CA	90	CA	N
	15	CA	CA	CA	CA	N
4Q 2012	9	24	6.7	95	3.2	NR
	15	17	7.6	130	4.6	N
1Q 2013	9	19	7.4	310	29	N
	15	20	6.5	120	6.5	N
2Q 2013	9	23	7.74	240	13	N
	10	5	NR	67	10	NR
3Q 2013	15	5.8	6.62	35	5.4	N
	9	8.5	7.38	210	12	N
	10	6.9	7.19	200	41	N
	15	4.7	6.95	36	6.1	N
1Q 2014	9	CA	CA	170	15	N
	15	CA	CA	31	CA	N
2Q 2014	9	CA	CA	290	12	N
	15	CA	CA	NR	N	

Key: Bold = benchmark exceedance; NR = no value reported; CA = consistent attainment

B. Compliance with Standards.

Condition S10.C of the Permits requires Ameron to apply all known and reasonable methods of prevention, control and treatment ("AKART") to all discharges, including preparing and implementing an adequate SWPPP and best management practices ("BMPs"). Ameron has violated and continues to violate these conditions by failing to apply AKART to its discharges by, among other things, failing to implement an adequate SWPPP and BMPs as evidenced by the elevated levels of pollutants in its discharge. *See* Table 1; Section I.A.

These violations have occurred on each and every day for the previous five years and continue to occur every day.

Condition S1.A of the Permits require that all discharges and activities authorized be consistent with the terms and conditions of the permit. Ameron has violated this condition by discharging and acting inconsistent with the conditions of the Permits as described in this Notice of Intent to Sue.

II. STORMWATER POLLUTION PREVENTION PLAN VIOLATIONS.

Waste Action Project hereby provides notice, based upon information and belief, that Ameron has not developed and implemented a SWPPP that complies with the requirements of the Permits. In the following section, Waste Action Project provides notice of SWPPP violations on information and belief.

Condition S3.A.1 of the Permits require Ameron to develop and implement a SWPPP as specified in these permits. Condition S3.A.2 of the Permits require the SWPPP to specify BMPs necessary to provide AKART and ensure that discharges do not cause or contribute to violations of water quality standards. On information and belief, Ameron has violated these requirements of the Permits each and every day during the last five years and continues to violate them as it has failed to prepare and/or implement a SWPPP that includes AKART and BMPs necessary to comply with state water quality standards.

Condition S3.A of the Permits require Ameron to have and implement a SWPPP that is consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. On information and belief, Ameron has violated these requirements of the Permits each and every day during the last five years and continues to violate them because its SWPPP is not consistent with permit requirements, is not fully implemented, and has not been updated as necessary.

The SWPPP fails to satisfy the requirements of Condition S3 of the Permits because it does not adequately describe BMPs. Condition S3.B.4 of the Permits requires that the SWPPP include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. Condition S3.B.4 of the 2015 Permit requires that the SWPPP detail how and where the selected BMPs will be implemented. Condition S3.A.3 of the Permits requires that the SWPPP include BMPs consistent with approved stormwater technical manuals or document how stormwater BMPs included in the SWPPP are demonstratively equivalent to the practices contained in the approved stormwater technical manuals, including the proper selection, implementation, and maintenance of all applicable and appropriate BMPs. Ameron's SWPPP does not comply with these requirements because it does not adequately describe and explain in detail the BMPs selected, does not include BMPs consistent with approved stormwater technical manuals, and does not include BMPs that are demonstratively equivalent to such BMPs with documentation of BMP adequacy.

Ameron's SWPPP fails to satisfy the requirements of Condition S3.B.2 of the Permits because it fails to include a facility assessment. The SWPPP fails to include an adequate

facility assessment because it does not describe the industrial activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, the flow of goods and materials through the facility, the regular business hours, and the seasonal variations in business hours or in industrial activities.

Ameron's SWPPP fails to satisfy the requirements of Condition S3.B.1 of the Permits because it does not include a site map that identifies significant features, the stormwater drainage and discharge structures, the stormwater drainage areas for each stormwater discharge point off-site, a unique identifying number for each discharge point, each sampling location with a unique identifying number, paved areas and buildings, areas of pollutant contact associated with specific industrial activities, conditionally approved non-stormwater discharges, surface water locations, areas of existing and potential soil erosion, vehicle maintenance areas, and lands and waters adjacent to the site that may be helpful in identifying discharge points or drainage routes.

Ameron's SWPPP fails to comply with Condition S3.B.2.b of the Permits because it does not include an inventory of industrial activities that identifies all areas associated with industrial activities that have been or may potentially be sources of pollutants. The SWPPP does not identify all areas associated with loading and unloading of dry bulk materials or liquids, outdoor storage of materials or products, outdoor manufacturing and processing, onsite dust or particulate generating processes, on-site waste treatment, storage, or disposal, vehicle and equipment fueling, maintenance, and/or cleaning, roofs or other surfaces exposed to air emissions from a manufacturing building or a process area, and roofs or other surfaces composed of materials that may be mobilized by stormwater as required by these permit conditions.

Ameron's SWPPP does not comply with Condition S3.B.2.c of the Permits because it does not include an adequate inventory of materials. The SWPPP does not include an inventory of materials that lists the types of materials handled at the site that potentially may be exposed to precipitation or runoff and that could result in stormwater pollution, a short narrative for each material describing the potential for the pollutants to be present in stormwater discharge that is updated when data becomes available to verify the presence or absence of the pollutants, a narrative description of any potential sources of pollutants from past activities, materials and spills that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater as required. The SWPPP does not include the method and location of on-site storage or disposal of such materials and a list of significant spills and significant leaks of toxic or hazardous pollutants as these permit conditions require.

Ameron's SWPPP does not comply with Condition S3.B.3 of the Permits because it does not identify specific individuals by name or title whose responsibilities include SWPPP development, implementation, maintenance and modification.

Condition S3.B.4 of the Permits requires that permittees include in their SWPPPs and implement certain mandatory BMPs unless site conditions render the BMP unnecessary, infeasible, or an alternative and equally effective BMP are provided. Ameron is in violation

of this requirement because it has failed to include in its SWPPP and implement the mandatory BMPs of the Permits.

Ameron's SWPPP does not comply with Condition S3.B.4.b.i of the Permits because it does not include required operational source control BMPs in the following categories: good housekeeping (including definition of ongoing maintenance and cleanup of areas that may contribute pollutants to stormwater discharges, and a schedule/frequency for each housekeeping task); preventive maintenance (including BMPs to inspect and maintain stormwater drainage and treatment facilities, source controls, treatment systems, and plant equipment and systems, and the schedule/frequency for each task); spill prevention and emergency cleanup plan (including BMPs to prevent spills that can contaminate stormwater, for material handling procedures, storage requirements, cleanup equipment and procedures, and spill logs); employee training (including an overview of what is in the SWPPP, how employees make a difference in complying with the SWPPP, spill response procedures, good housekeeping, maintenance requirements, material management practices, how training will be conducted, the frequency/schedule of training, and a log of the dates on which specific employees received training); inspections and recordkeeping (including documentation of procedures to ensure compliance with permit requirements for inspections and recordkeeping, including identification of personnel who conduct inspections, provision of a tracking or follow-up procedure to ensure that a report is prepared and appropriate action taken in response to visual monitoring, definition of how Ameron will comply with signature and record retention requirements, certification of compliance with the SWPPP and Permit, and all inspection reports completed by Ameron).

Ameron's SWPPP does not comply with Condition S3.B.4.b.i.7 of the Permits because it does not include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, noncontact cooling water, and other illicit discharges to stormwater sewers, or to surface waters and ground waters of the state.

Ameron's SWPPP does not comply with Condition S3.B.4.b.ii of the Permits because it does not include required structural source control BMPs to minimize the exposure of manufacturing, processing, and material storage areas to rain, snow, snowmelt, and runoff. Ameron's SWPPP does not comply with Condition S3.B.4.b.iii of the Permits because it does not include treatment BMPs as required.

Ameron's SWPPP fails to comply with Condition S3.B.4.b.v of the Permits because it does not include BMPs to prevent the erosion of soils or other earthen materials and prevent off-site sedimentation and violations of water quality standards.

Ameron's SWPPP fails to satisfy the requirements of Condition S3.B.5 of the Permits because it fails to include a stormwater sampling plan as required. The SWPPP does not include a sampling plan that identifies points of discharge to surface waters, storm sewers, or discrete ground water infiltration locations, documents why each discharge point is not sampled, identifies each sampling point by its unique identifying number, identifies staff responsible for conducting stormwater sampling, specifies procedures for sampling collection and handling, specifies procedures for sending samples to the a laboratory, identifies

parameters for analysis, holding times and preservatives, laboratory quantization levels, and analytical methods, and that specifies the procedure for submitting the results to Ecology.

III. MONITORING AND REPORTING VIOLATIONS.

A. Failure to Collect Quarterly Samples.

Condition S4.B of the Permits require Ameron to collect a sample of its stormwater discharge once during every calendar quarter. Conditions S3.B.5.b and S4.B.2.c of the Permits require Ameron to collect stormwater samples at each distinct point of discharge offsite except for substantially identical outfalls, in which case only one of the substantially identical outfalls must be sampled. These conditions set forth sample collection criteria, but require the collection of a sample even if the criteria cannot be met.

Ameron violated these requirements by failing to collect stormwater samples in compliance with the requirements of the 2010 Permit during the following quarters:

- 1st Quarter 2010
- 2nd Quarter 2010
- 3rd Quarter 2010
- 4th Quarter 2010
- 1st Quarter 2011
- 2nd Quarter 2011
- 3rd Quarter 2011
- 4th Quarter 2011
- 1st Quarter 2012
- 2nd Quarter 2012
- 3rd Quarter 2012
- 4th Quarter 2012
- 1st Quarter 2013
- 4th Quarter 2013
- 1st Quarter 2014
- 2nd Quarter 2014
- 3rd Quarter 2014
- 4th Quarter 2014

Ameron has violated and continues to violate these conditions because it does not sample each distinct point of discharge off-site each quarter. These violations have occurred and continue to occur each and every quarter during the last five years that Ameron was and is required to sample its stormwater discharges, including the quarters in which it collected stormwater discharge samples from some, but not all, points of discharge. These violations will continue until Ameron commences monitoring all distinct points of discharge.

B. Failure to Analyze Quarterly Samples.

Condition S5.A.1 of the Permits requires Ameron to analyze stormwater samples collected quarterly for turbidity, pH, total copper, total zinc, and oil sheen.

Ameron violated these conditions by failing to analyze stormwater samples for any of the required parameters during the following quarters:

1st Quarter 2010
2nd Quarter 2010
3rd Quarter 2010
4th Quarter 2010
1st Quarter 2011
2nd Quarter 2011
3rd Quarter 2011
4th Quarter 2011
1st Quarter 2012
2nd Quarter 2012
3rd Quarter 2012
4th Quarter 2012
1st Quarter 2013
4th Quarter 2013
1st Quarter 2014
2nd Quarter 2014
3rd Quarter 2014
4th Quarter 2014

C. Failure to Timely Submit Discharge Monitoring Reports.

Condition S9.A of the Permits require Ameron to use DMR forms provided or approved by Ecology to summarize, report and submit monitoring data to Ecology. For each monitoring period (calendar quarter) a DMR must be completed and submitted to Ecology not later than 45 days after the end of the monitoring period. Ameron has violated these conditions by failing to submit a DMR within the time prescribed for the following quarters:

1st Quarter 2010
2nd Quarter 2010
3rd Quarter 2010
4th Quarter 2010
1st Quarter 2011
2nd Quarter 2011
3rd Quarter 2011
4th Quarter 2011
1st Quarter 2012
2nd Quarter 2012
3rd Quarter 2012

4th Quarter 2012
1st Quarter 2013
4th Quarter 2013
2nd Quarter 2014
3rd Quarter 2014
4th Quarter 2014

D. Failure to Comply with Visual Monitoring Requirements.

Condition S7.A of the Permits requires that monthly visual inspections be conducted at the facility by qualified personnel. Each inspection is to include observations made at stormwater sampling locations and areas where stormwater associated with industrial activity is discharged, observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharges, observations for the presence of illicit discharges, a verification that the descriptions of potential pollutant sources required by the permit are accurate, a verification that the site map in the SWPPP reflects current conditions, and an assessment of all BMPs that have been implemented (noting the effectiveness of the BMPs inspected, the locations of BMPs that need maintenance, the reason maintenance is needed and a schedule for maintenance, and locations where additional or different BMPs are needed).

Condition S7.C of the Permits requires that Ameron record the results of each inspection in an inspection report or checklist that is maintained on-site and that documents the observations, verifications, and assessments required. The report/checklist must include the time and date of the inspection, the locations inspected, a statement that, in the judgment of the person conducting the inspection and the responsible corporate officer, the facility is either in compliance or out of compliance with the SWPPP and the 2010 Permit, a summary report and schedule of implementation of the remedial actions that Ameron plans to take if the site inspection indicates that the facility is out of compliance, the name, title, signature and certification of the person conducting the facility inspection, and a certification and signature of the responsible corporate officer or a duly authorized representative.

Ameron is in violation of these requirements of Condition S7 of the Permits because, during the last five years, it has failed to conduct each of the requisite visual monitoring and inspections, failed to prepare and maintain the requisite inspection reports or checklists, and failed to make the requisite certifications and summaries.

IV. CORRECTIVE ACTION VIOLATIONS.

A. Violations of the Level One Requirements of the Permits.

Condition S8.B of the Permits requires Ameron take specified actions, called a "Level One Corrective Action," each time quarterly stormwater sample results exceed a benchmark value or are outside the benchmark range for pH. Condition S8.A of the 2015 Permit requires that Ameron implement any Level One Corrective Action required by the 2010 Permit.

As described by Condition S8.B of the Permits, a Level One Corrective Action requires Ameron: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit and contains the correct BMPs from the applicable Stormwater Management Manual; (2) make appropriate revisions to the SWPPP to include additional operational source control BMPs with the goal of achieving the applicable benchmark values in future discharges and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level One Corrective Action in the Annual Report required under Condition S9.B of the Permits. Condition S8.B.4 of the Permits requires that Ameron implement the revised SWPPP as soon as possible, and no later than the DMR due date for the quarter the benchmark was exceeded.

Condition S5.A and Tables 2 and 3 of the Permits establish the following benchmarks: turbidity 25 NTU; pH 5 – 9 SU; total copper 14 µg/L; and total zinc 117 µg/L.

Ameron has violated the requirements of the Permits described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time since January 1, 2010, that quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 in Section I.A. of this letter.

These benchmark excursions are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Ameron for failing to comply with all of the Level One Corrective Action requirements described above by failing to conduct a Level One Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH, including the benchmark excursions listed in Table 1 above.

B. Violations of the Level Two Requirements of the Permits.

Condition S8.C of the Permits requires Ameron take specified actions, called a "Level Two Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any two quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Ameron implement any Level Two Corrective Action required by the 2010 Permit.

As described by Condition S8.C of the Permits, a Level Two Corrective Action requires Ameron: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional structural source control BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and sign and certify the revised SWPPP in accordance with Condition S3 of the Permits; and (3) summarize the Level Two Corrective

Action (planned or taken) in the Annual Report required under Condition S9.B of the Permits. Condition S8.C.4 of the Permits requires that Ameron implement the revised SWPPP according to Condition S3 of the Permits and the applicable stormwater management manual as soon as possible, and no later than August 31st of the following year.

The Permits establish the benchmarks applicable to Ameron described in Section IV.A of this notice of intent to sue letter.

Ameron has violated the requirements of the Permits described above by failing to conduct a Level Two Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, the required implementation of additional BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of discharge), including additional structural source control BMPs, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any two quarters during a calendar year. As indicated in Table 1 in Section I.A of this letter, these violations include, but are not limited to, Ameron's failure to fulfill these obligations for copper triggered by its stormwater sampling during the calendar year of 2010 and 2013, and for zinc triggered by its stormwater sampling during the calendar year of 2012 and 2014.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Ameron for failing to comply with all of the Level Two Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any two quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

C. Violations of the Level Three Requirements of the Permits.

Condition S8.D of the Permits requires Ameron take specified actions, called a "Level Three Corrective Action," each time quarterly stormwater sample results exceed an applicable benchmark value or are outside the benchmark range for pH for any three quarters during a calendar year. Condition S8.A of the 2015 Permit requires that Ameron implement any Level Three Corrective Action required by the 2010 Permit.

As described by Condition S8.D of the 2010 Permit, a Level Three Corrective Action requires that Ameron: (1) review the SWPPP for the facility and ensure that it fully complies with Condition S3 of the 2010 Permit; (2) make appropriate revisions to the SWPPP to include additional treatment BMPs with the goal of achieving the applicable benchmark value(s) in future discharges and additional operational and/or structural source control BMPs if necessary for proper function and maintenance of treatment BMPs, and sign and certify the revised SWPPP in accordance with Condition S3.A.6 of the 2010 Permit; and (3) summarize the Level Three Corrective Action (planned or taken) in the Annual Report required under Condition S9.B of the 2010 Permit, including information on how monitoring, assessment, or evaluation information was (or will be) used to determine whether existing treatment BMPs will be modified/enhanced, or if new/additional treatment BMPs will be installed. Condition S8.D.2.b of the 2010 Permit requires that a licensed professional engineer, geologist, hydrogeologist, or certified professional in storm water quality must design and stamp the portion of the SWPPP that addresses stormwater treatment structures or processes.

Condition S8.D.3 of the 2010 Permit requires that, before installing BMPs that require the site-specific design or sizing of structures, equipment, or processes to collect, convey, treat, reclaim, or dispose of industrial stormwater, Ameron submit an engineering report, plans, and specifications, and an operations and maintenance manual to Ecology for review in accordance with chapter 173-204 of the Washington Administrative Code. The engineering report must be submitted no later than the May 15 prior to the Level Three Corrective Action Deadline. The plans and specifications and the operations and maintenance manual must be submitted to Ecology at least 30 days before construction/installation.

Condition S8.D.5 of the 2010 Permit requires that Ameron fully implement the revised SWPPP according to condition S3 of the 2010 Permit and the applicable stormwater management manual as soon as possible, and no later than September 30th of the following year.

The Permits establishes the benchmarks applicable to Ameron described in Section IV.A of this notice of intent to sue letter.

Ameron has violated the requirements of the Permits described above by failing to conduct a Level Three Corrective Action in accordance with permit conditions, including the required review, revision and certification of the SWPPP, including the requirement to have a specified professional design and stamp the portion of the SWPPP pertaining to treatment, the required implementation of additional BMPs, including additional treatment BMPs to ensure that all points of discharge from the facility meet benchmarks (not just the sampled point of

discharge), the required submission of an engineering report, plans, specifications, and an operations and maintenance plan, and the required summarization in the annual report each time during the last five years its quarterly stormwater sampling results were greater than a benchmark or outside the benchmark range for pH for any three quarters during a calendar year. As indicated in Table 1 in Section I.A of this letter, these violations include, but are not limited to, Ameron's failure to fulfill these obligations for zinc triggered by its stormwater sampling during calendar year 2010 and 2013.

The benchmark excursions identified in Table 1 of this notice of intent to sue letter are based upon information currently available to Waste Action Project from Ecology's publicly available records. Waste Action Project provides notice of its intent to sue Ameron for failing to comply with all of the Level Three Corrective Action requirements each and every time quarterly stormwater sample results exceeded an applicable benchmark value or were outside the benchmark range for pH for any three quarters during a calendar year, including any such excursions that are not reflected in Table 1 above, during the last five years.

V. VIOLATIONS OF THE ANNUAL REPORT REQUIREMENTS.

Condition S9.B of the Permits requires Ameron to submit an accurate and complete annual report to Ecology no later than May 15 of each year. The annual report must include corrective action documentation as required in Condition S8.B through S8.D. If a corrective action is not yet completed at the time of submission of the annual report, Ameron must describe the status of any outstanding corrective action. Specific information to be included in the annual report is identification of the conditions triggering the need for corrective action, description of the problem and identification of dates discovered, summary of any Level 1, 2, or 3 corrective actions completed during the previous calendar year, including the dates corrective actions completed, and description of the status of any Level 2 or 3 corrective actions triggered during the previous calendar year, including identification of the date Ameron expects to complete corrective actions. Ameron has violated this condition by failing to include all of the required information in the annual report it submitted for 2010, 2011, 2012, and 2013.

The annual report submitted by Ameron for 2010 (on May 12, 2011) does not include the required information. For example, the report does not describe any of the stormwater problems identified. The report also indicates that not all Level One Corrective Actions triggered for each benchmark exceedance, including one triggered for pH, three triggered for zinc, and two triggered for copper, were performed as required through the implementation of additional operational BMPs. Additionally, Ameron did not identify specific additional treatment BMPs that were scheduled to be fully implemented before the September 30, 2011, deadline as part of the Level Three Corrective Action triggered.

The annual report submitted by Ameron for 2011 (on May 11, 2012) does not include the required information. For example, the report does not describe any of the stormwater problems identified. The report also does not indicate that any additional BMPs were implemented in response to the Level One Corrective Action triggered for zinc. The report

also indicates that a single catch basin insert was installed for the Level Three Corrective Action triggered for zinc during 2010, which was inadequate.

The annual report submitted by Ameron for 2012 (on May 13, 2013) does not include the required information. For example, the report does not describe any of the stormwater problems identified. The report also fails to identify all additional BMPs implemented in response to the two Level One Corrective Actions triggered for zinc. The annual report also fails to identify that a Level Two Corrective Action was triggered for zinc.

The annual report submitted by Ameron for 2013 (on May 15, 2014) does not include the required information. For example, the report fails to explain how and when Ameron fixed problems identified by Ecology during a June 2013 inspection, including the need to replace a stormwater line and identify the receiving water for SD 10. The report also fails to explain why no stormwater discharge sampling was conducted during fourth quarter 2013. The report also fails to identify an additional operational BMP that was implemented in response to each Level One Corrective Action triggered for copper and zinc. The annual report also fails to provide information that the Level Two and Three Corrective Actions triggered for zinc and copper were planned and completed.

VI. VIOLATIONS OF THE RECORDKEEPING REQUIREMENTS.

A. Failure to Record Information.

Condition S4.B.3 of the Permits requires Ameron record and retain specified information for each stormwater sample taken, including the sample date and time, a notation describing if Ameron collected the sample within the first 30 minutes of stormwater discharge event, an explanation of why Ameron could not collect a sample within the first 30 minutes of a stormwater discharge event, the sample location, method of sampling and of preservation, and the individual performing the sampling. Upon information and belief, Ameron is in violation of these conditions as it has not recorded each of these specified items for each sample taken during the last five years.

B. Failure to Retain Records.

Condition S9.C of the Permits requires Ameron to retain for a minimum of five years a copy of the Permits, a copy of Ameron's coverage letter, records of all sampling information, inspection reports including required documentation, any other documentation of compliance with permit requirements, all equipment calibration records, all BMP maintenance records, all original recordings for continuous sampling instrumentation, copies of all laboratory results, copies of all required reports, and records of all data used to complete the application for the Permits. Upon information and belief, Ameron is in violation of these conditions because it has failed to retain records of such information, reports, and other documentation during the last five years.

VII. REQUEST FOR SWPPP.

Pursuant to Condition S9.F of the 2015 Permit, Waste Action Project hereby requests that Ameron International Corp. dba Ameron International Corp, PPD provide a copy of, or access to, its SWPPP complete with all incorporated plans, monitoring reports, checklists, and training and inspection logs. The copy of the SWPPP and any other communications about this request should be directed to the undersigned at the letterhead address.

Should Ameron fail to provide the requested complete copy of, or access to, its SWPPP as required by Condition S9.F of the 2015 Permit, it will be in violation of that condition, which violation shall also be subject to this Notice of Intent to Sue and any ensuing lawsuit.

VIII. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Waste Action Project. These violations are ongoing. Waste Action Project intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), each of the above-described violations subjects the violator to a penalty of up to \$37,500 per day for each violation. In addition to civil penalties, Waste Action Project will seek injunctive relief to prevent further violations under Sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Also, Section 505(d) of the CWA, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs, including attorney's fees.

Waste Action Project believes that this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. Waste Action Project intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Ameron under Section 505(a) of the Clean Water Act for the violations described herein.

Waste Action Project is willing to discuss effective remedies for the violations described in this letter and settlement terms during the 60-day notice period. If you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within ten (10) days of receiving this notice so that a meeting can be arranged and so that negotiations may be completed promptly. We do not intend to delay the filing of a complaint if discussions are continuing when the notice period ends.

Very truly yours,

SMITH & LOWNEY, PLLC

By: 

Elizabeth H. Zultoski

cc: Gina McCarthy, Administrator, U.S. EPA
Dennis McLerran, Region 10 Administrator, U.S. EPA
Maia Bellon, Director, Washington Department of Ecology
Registered Agent, CT Corporation System, 505 Union Ave. SE Ste. 120, Olympia,
WA 98501

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
2010	Precip (in)	12	0	15	0	17	0.28
Mar	sum	13	0	16	0	18	0.39
11	0.55	14	0	17	0	19	0.39
12	0.5	15	0	18	0	20	0.43
13	0	16	0	19	0	21	0.04
14	0.03	17	0	20	0.01	22	0.01
15	0.04	18	0.04	21	0	23	0.12
16	0.01	19	0.37	22	0	24	0.01
17	0.08	20	0.01	23	0	25	0
18	0	21	0.01	24	0	26	0.34
19	0	22	0.02	25	0	27	0.01
20	0	23	0.05	26	0	28	0.05
21	0	24	0	27	0	29	0.01
22	0.07	25	0.07	28	0	30	0.01
23	0	26	0.31	29	0	2010	Precip (in)
24	0	27	0.04	30	0	Oct	sum
25	0.22	28	0.96	31	0	1	0
26	0.03	29	0.35	2010	Precip (in)	2	0
27	0	30	0.08	Aug	sum	3	0.06
28	0.2	31	0.19	1	0	4	0
29	0.5	2010	Precip (in)	2	0.01	5	0.01
30	0.02	Jun	sum	3	0	6	0.01
31	0	1	0.04	4	0	7	0
2010	Precip (in)	2	0.39	5	0	8	0.05
Apr	sum	3	0.06	6	0	9	0.27
1	0	4	0.42	7	0.13	10	0.33
2	0.43	5	0.06	8	0.17	11	0
3	0.06	6	0.14	9	0.03	12	0
4	0.08	7	0.24	10	0	13	0.01
5	0.1	8	0.25	11	0	14	0.06
6	0.04	9	0.75	12	0	15	0.06
7	0.01	10	0.16	13	0	16	0
8	0.29	11	0.12	14	0	17	0
9	0.01	12	0	15	0	18	0.01
10	0	13	0	16	0	19	0
11	0	14	0.04	17	0	20	0.01
12	0	15	0.47	18	0	21	0.01
13	0.04	16	0.14	19	0	22	0.07
14	0	17	0.04	20	0	23	0.41
15	0	18	0	21	0	24	0.6
16	0.02	19	0.05	22	0.46	25	0.01
17	0.08	20	0.14	23	0	26	0.04
18	0.01	21	0.08	24	0	27	0.1
19	0	22	0	25	0	28	0.02
20	0.01	23	0	26	0.41	29	0
21	0.52	24	0	27	0	30	0.21
22	0	25	0	28	0.01	31	0.02
23	0.07	26	0	29	0	2010	Precip (in)
24	0.15	27	0	30	0	Nov	sum
25	0	28	0	31	1.28	1	0.62
26	0.29	29	0	2010	Precip (in)	2	0
27	0.24	30	0	Sep	sum	3	0
28	0.03	2010	Precip (in)	1	0.49	4	0
29	0	Jul	sum	2	0	5	0.08
30	0.17	1	0.03	3	0	6	0.28
2010	Precip (in)	2	0.02	4	0.05	7	0.01
May	sum	3	0	5	0	8	0.18
1	0.03	4	0.01	6	0.23	9	0.09
2	0.04	5	0	7	0.13	10	0
3	0.1	6	0	8	0.03	11	0.02
4	0.32	7	0	9	0.04	12	0.01
5	0.05	8	0	10	0.02	13	0.12
6	0	9	0	11	0	14	0.11
7	0	10	0	12	0.02	15	0.14
8	0	11	0	13	0	16	0.02
9	0	12	0.06	14	0	17	0.42
10	0	13	0	15	0.07	18	0.01
11	0	14	0	16	0.4	19	0.08

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
20	0 01	23	0 05	26	0 04	29	0
21	0 02	24	0 17	27	0 05	30	0
22	0 04	25	0	28	0 04	31	0 03
23	0	26	0	29	0 08	2011	Precip (in)
24	0	27	0 01	30	0 35	Jun	sum
25	0 01	28	0	31	0	1	0 04
26	0 23	29	0 2	2011	Precip (in)	2	0 1
27	0 13	30	0 01	Apr	sum	3	0 04
28	0 01	31	0	1	0 57	4	0
29	0 02	2011	Precip (in)	2	0 1	5	0
30	0 36	Feb	sum	3	0 02	6	0
2010	Precip (in)	1	0	4	0 1	7	0 16
Dec	sum	2	0	5	0 35	8	0 03
1	0	3	0 01	6	0 56	9	0
2	0	4	0 16	7	0 11	10	0
3	0	5	0 01	8	0	11	0
4	0	6	0 23	9	0	12	0
5	0	7	0 19	10	0 2	13	0 09
6	0 01	8	0	11	0 06	14	0 19
7	0 4	9	0	12	0 01	15	0 07
8	0 57	10	0	13	0 04	16	0
9	0 39	11	0	14	0 55	17	0
10	0 01	12	0 27	15	0 01	18	0 23
11	0 23	13	0 12	16	0 18	19	0 02
12	0 96	14	0 89	17	0 03	20	0
13	0 37	15	0 08	18	0 06	21	0
14	0 31	16	0 04	19	0 12	22	0
15	0 1	17	0 09	20	0 08	23	0 04
16	0	18	0	21	0 08	24	0 07
17	0	19	0	22	0	25	0 05
18	0 12	20	0	23	0	26	0
19	0 06	21	0 05	24	0 01	27	0 01
20	0 07	22	0 18	25	0 49	28	0
21	0 1	23	0 13	26	0	29	0 07
22	0 07	24	0	27	0 22	30	0 2
23	0 47	25	0	28	0 01	2011	Precip (in)
24	0 29	26	0 01	29	0 04	Jul	sum
25	0 18	27	0 06	30	0	1	0
26	0 1	28	0 02	2011	Precip (in)	2	0
27	0 08	2011	Precip (in)	May	sum	3	0 17
28	0 11	Mar	sum	1	0	4	0
29	0 24	1	0 06	2	0 32	5	0
30	0	2	0 08	3	0 04	6	0
31	0	3	0 14	4	0	7	0 23
2011	Precip (in)	4	0 21	5	0 11	8	0 01
Jan	sum	5	0	6	0 15	9	0
1	0	6	0 02	7	0 29	10	0
2	0	7	0	8	0 14	11	0
3	0	8	0 05	9	0	12	0 01
4	0 02	9	0 78	10	0	13	0 01
5	0 22	10	0 57	11	0 25	14	0 04
6	0 26	11	0 03	12	0	15	0 04
7	0 27	2011	Precip (in)	13	0	16	0 07
8	0 13	Mar	sum	14	0 5	17	0 12
9	0	12	0 46	15	0 42	18	0
10	0	13	0 8	16	0 37	19	0 02
11	0 15	14	0 82	17	0	20	0
12	0 36	15	0 62	18	0	21	0 16
13	0 19	16	0 31	19	0	22	0
14	0	17	0	20	0	23	0
15	0 29	18	0 28	21	0 05	24	0
16	0 11	19	0 01	22	0 1	25	0 11
17	0 47	20	0	23	0	26	0 04
18	0 12	21	0 42	24	0	27	0 01
19	0	22	0	25	0 22	28	0
20	0 21	23	0	26	0 07	29	0
21	0 44	24	0 05	27	0 18	30	0
22	0	25	0 03	28	0	31	0 04

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
2011	Precip (in)	2	0.15	5	0	7	0
Aug	sum	3	0.02	6	0	8	0.02
1	0	4	0.01	7	0.01	9	0.39
2	0	5	0.21	8	0	10	0.07
3	0	6	0.03	9	0	11	0
4	0	7	0.18	10	0.01	12	0.02
5	0	8	0.03	11	0.07	13	0.18
6	0	9	0.01	12	0	14	0.01
7	0	10	0.03	13	0	15	0
8	0	11	0.16	14	0.02	16	0.03
9	0	12	0.05	15	0.02	17	0.4
10	0	13	0.01	16	0	18	0.23
11	0	14	0	17	0	19	0.22
12	0	15	0	18	0.06	20	0.14
13	0	16	0	19	0	21	0.83
14	0	17	0	20	0.03	22	0.06
15	0	18	0.01	21	0	23	0
16	0	19	0.02	22	0	24	0.18
17	0	20	0.05	23	0	25	0.12
18	0	21	0.3	24	0.12	26	0
19	0	22	0.32	25	0.12	27	0
20	0	23	0.01	26	0.05	28	0.25
21	0	24	0	27	0.16	29	0.25
22	0	25	0	28	0.05	2012	Precip (in)
23	0	26	0	29	0.13	Mar	sum
24	0	27	0	30	0.09	1	0.18
25	0	28	0.08	31	0	2	0.11
26	0	29	0	2012	Precip (in)	3	0.03
27	0	30	0.07	Jan	sum	4	0
28	0	31	0.09	1	0	5	0.49
29	0	2011	Precip (in)	2	0.26	6	0.02
30	0	Nov	sum	3	0.01	7	0
31	0	1	0	4	0.25	8	0
2011	Precip (in)	2	0.27	5	0	9	0.2
Sep	sum	3	0	6	0.01	10	0.15
1	0	4	0.01	7	0.01	11	0.03
2	0	5	0.01	8	0	2012	Precip (in)
3	0	6	0	9	0.03	Mar	sum
4	0	7	0.01	10	0	12	0.9
5	0	8	0	11	0	13	0
6	0	9	0	12	0	14	0.35
7	0	10	0	13	0	15	0.53
8	0	11	0.22	14	0.47	16	0.09
9	0	12	0.11	15	0.02	17	0.2
10	0	13	0	16	0.06	18	0.18
11	0	14	0.06	17	0.31	19	0.03
12	0	15	0.02	18	0.3	20	0.09
13	0	16	0.15	19	0.21	21	0
14	0	17	0.28	20	0.48	22	0.08
15	0	18	0.17	21	0.24	23	0
16	0	19	0	22	0.27	24	0
17	0	20	0	23	0	25	0
18	0	21	0.54	24	0.04	26	0.04
19	0	22	1.52	25	0.07	27	0.08
20	0	23	1.03	26	0.01	28	0.22
21	0	24	0.37	27	0	29	0.89
22	0	25	0	28	0	30	0.59
23	0	26	0	29	0.31	31	0.35
24	0	27	0.61	30	0.23	2012	Precip (in)
25	0.07	28	0.02	31	0	Apr	sum
26	0.17	29	0.04	2012	Precip (in)	1	0.08
27	0.02	30	0.01	Feb	sum	2	0
28	0	2011	Precip (in)	1	0.27	3	0.28
29	0.01	Dec	sum	2	0	4	0
30	0.01	1	0.02	3	0	5	0.08
2011	Precip (in)	2	0	4	0	6	0
Oct	sum	3	0	5	0	7	0
1	0	4	0	6	0	8	0

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
9	0	12	0.22	15	0	18	0.44
10	0	13	0.21	16	0	19	0.65
11	0.43	14	0	17	0	20	0.15
12	0.01	15	0	18	0	21	0.11
13	0	16	0.07	19	0	22	0.16
14	0	17	0.15	20	0	23	0.01
15	0	18	0.64	21	0	24	0.08
16	0.06	19	0.09	22	0	25	0.05
17	0.03	20	0	23	0	26	0.07
18	0.02	21	0	24	0	27	0.21
19	0.23	22	0.57	25	0	28	0.19
20	0.39	23	0.35	26	0	29	0.03
21	0	24	0	27	0	30	0.79
22	0	25	0	28	0	31	1.15
23	0	26	0.13	29	0	2012	Precip (in)
24	0.08	27	0	30	0	Nov	sum
25	0.34	28	0	31	0	1	0.12
26	0.26	29	0	2012	Precip (in)	2	0.07
27	0	30	0.13	Sep	sum	3	0.03
28	0	2012	Precip (in)	1	0	4	0.09
29	0.05	Jul	sum	2	0	5	0
30	0.41	1	0.05	3	0	6	0.02
2012	Precip (in)	2	0.09	4	0	7	0.07
May	sum	3	0.29	5	0	8	0
1	0.32	4	0	6	0	9	0
2	0.21	5	0	7	0	10	0
3	0.5	6	0	8	0	11	0.18
4	0.65	7	0	9	0	12	0.06
5	0.15	8	0	10	0.24	13	0.28
6	0	9	0	11	0	14	0.01
7	0	10	0	12	0.01	15	0
8	0	11	0	13	0	16	0.27
9	0.01	12	0	14	0	17	0.23
10	0	13	0.11	15	0	18	0.73
11	0	14	0	16	0	19	1.85
12	0	15	0.04	17	0	20	0.26
13	0	16	0	18	0	21	0.46
14	0	17	0	19	0	22	0
15	0	18	0	20	0	23	0.36
16	0	19	0	21	0.01	24	0.06
17	0	20	0.44	22	0.04	25	0
18	0	21	0	23	0	26	0
19	0	22	0.23	24	0	27	0
20	0.14	23	0	25	0	28	0.22
21	0.23	24	0	26	0.01	29	0.14
22	0.17	25	0	27	0.01	30	1.38
23	0.47	26	0	28	0	2012	Precip (in)
24	0.02	27	0	29	0	Dec	sum
25	0.01	28	0	30	0	1	0.29
26	0	29	0	2012	Precip (in)	2	0.46
27	0	30	0	Oct	sum	3	0.32
28	0.01	31	0	1	0	4	0.43
29	0	2012	Precip (in)	2	0	5	0
30	0.04	Aug	sum	3	0	6	0.02
31	0.06	1	0	4	0	7	0.03
2012	Precip (in)	2	0	5	0	8	0.1
Jun	sum	3	0.05	6	0	9	0.14
1	0.11	4	0	7	0	10	0
2	0.02	5	0	8	0	11	0.13
3	0	6	0	9	0	12	0.27
4	0.04	7	0	10	0	13	0.13
5	0.32	8	0	11	0	14	0.26
6	0.13	9	0	12	0.07	15	0.16
7	0.31	10	0	13	0.19	16	0.74
8	0	11	0.01	14	0.2	17	0.5
9	0	12	0	15	0.2	18	0.06
10	0	13	0	16	0.15	19	1.37
11	0	14	0	17	0	20	0.58

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
21	0 04	23	0 03	26	0	29	0
22	0 11	24	0	27	0 16	30	0
23	0 35	25	0 07	28	0 09	2013	Precip (in)
24	0 06	26	0 02	29	0 03	Jul	sum
25	0 4	27	0 2	30	0	1	0
26	0 27	28	0 14	2013	Precip (in)	2	0
27	0 16	2013	Precip (in)	May	sum	3	0
28	0	Mar	sum	1	0	4	0
29	0 15	1	0	2	0	5	0
30	0	2	0 22	3	0	6	0
31	0	3	0	4	0	7	0
2013	Precip (in)	4	0	5	0	8	0
Jan	sum	5	0 02	6	0	9	0
1	0	6	0 36	7	0	10	0
2	0	7	0 25	8	0	11	0
3	0 16	8	0	9	0	12	0
4	0	9	0	10	0	13	0
5	0 09	10	0 01	11	0	14	0
6	0 13	11	0	12	0 22	15	0
7	0 22	2013	Precip (in)	13	0 05	16	0
8	0 24	Mar	sum	14	0	17	0 04
9	1 07	12	0 12	15	0 08	18	0
10	0 04	13	0 17	16	0 02	19	0
11	0	14	0 01	17	0 01	20	0
12	0	15	0	18	0	21	0
13	0	16	0 31	19	0	22	0
14	0	17	0 04	20	0	23	0
15	0	18	0 03	21	0 34	24	0
16	0	19	0 22	22	0 07	25	0
17	0	20	0 69	23	0 02	26	0
18	0	21	0 01	24	0 01	27	0
19	0	22	0 6	25	0	28	0
20	0	23	0	26	0 09	29	0
21	0	24	0	27	0 04	30	0
22	0	25	0	28	0	31	0 02
23	0 27	26	0	29	0 28	2013	Precip (in)
24	0 08	27	0	30	0	Aug	sum
25	0 01	28	0 02	31	0	1	0
26	0 31	29	0 01	2013	Precip (in)	2	0 26
27	0 17	30	0 01	Jun	sum	3	0 01
28	0 83	31	0	1	0	4	0
29	0 64	2013	Precip (in)	2	0 02	5	0
30	0 14	Apr	sum	3	0	6	0
31	0 07	1	0	4	0	7	0
2013	Precip (in)	2	0	5	0	8	0
Feb	sum	3	0	6	0	9	0
1	0 03	4	0 32	7	0	10	0 06
2	0	5	0 09	8	0	11	0 03
3	0 04	6	0 1	9	0	12	0
4	0	7	1 08	10	0	13	0
5	0 09	8	0 06	11	0 03	14	0 02
6	0 08	9	0	12	0	15	0 06
7	0 16	10	0 06	13	0	16	0
8	0	11	0 09	14	0	17	0
9	0 03	12	0 19	15	0	18	0
10	0	13	0 07	16	0	19	0
11	0 05	14	0	17	0 02	20	0
12	0	15	0 11	18	0	21	0
13	0 03	16	0 02	19	0 04	22	0
14	0 08	17	0	20	0 83	23	0
15	0 01	18	0 12	21	0 02	24	0
16	0 49	19	0 28	22	0	25	0
17	0 01	20	0 18	23	0 05	26	0
18	0	21	0 18	24	0 11	27	0 01
19	0	22	0	25	0 35	28	0 12
20	0 04	23	0	26	0 07	29	1 47
21	0 01	24	0	27	0 06	30	0
22	0 04	25	0	28	0	31	0

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
2013	Precip (in)	2	0.57	5	0	10	0.2
Sep	sum	3	0.06	6	0	11	0.01
1	0	4	0.05	7	0.42	2014	Precip (in)
2	0	5	0.07	8	0.22	Mar	sum
3	0.15	6	0.03	9	0.07	12	0
4	0.03	7	0.42	10	0.1	13	0.03
5	0.11	8	0	11	1.02	14	0.1
6	0.54	9	0.05	12	0.15	15	0.01
7	0.23	10	0.08	13	0.01	16	1.43
8	0.12	11	0.01	14	0	17	0.01
9	0.07	12	0.08	15	0	18	0
10	0.04	13	0	16	0.01	19	0.42
11	0.03	14	0.02	17	0	20	0
12	0.03	15	0.31	18	0	21	0
13	0.01	16	0.01	19	0	22	0
14	0.02	17	0	20	0	23	0
15	0.01	18	0.16	21	0	24	0
16	0.01	19	0.4	22	0	25	0.1
17	0.02	20	0	23	0	26	0.11
18	0.02	21	0	24	0	27	0.02
19	0.01	22	0	25	0	28	0.19
20	0.02	23	0	26	0	29	0.56
21	0.01	24	0	27	0	30	0.01
22	0.01	25	0	28	0.27	31	0
23	0.01	26	0	29	0.58	2014	Precip (in)
24	0	27	0	30	0.13	Apr	sum
25	0.13	28	0	31	0.03	1	0
26	0	29	0	2014	Precip (in)	2	0
27	0.04	30	0.04	Feb	sum	3	0.06
28	0.53	2013	Precip (in)	1	0	4	0
29	0.56	Dec	sum	2	0	5	0.18
30	0	1	0.41	3	0	6	0.07
2013	Precip (in)	2	0.13	4	0	7	0
Oct	sum	3	0	5	0	8	0.16
1	0.04	4	0	6	0	9	0
2	0.24	5	0	7	0	10	0
3	0.01	6	0	8	0.04	11	0
4	0	7	0	9	0.02	12	0
5	0	8	0	10	0.13	13	0
6	0.01	9	0	11	0.3	14	0
7	0.72	10	0	12	0.12	15	0.02
8	0.04	11	0	13	0	16	0.32
9	0.01	12	0.01	14	0.28	17	0.39
10	0	13	0.02	15	0.42	18	0.01
11	0.01	14	0	16	0.71	19	0.05
12	0.01	15	0	17	0.11	20	0
13	0.01	16	0	18	0.31	21	0.05
14	0	17	0	19	0.02	22	0.36
15	0.01	18	0	20	0.01	23	0.06
16	0	19	0	21	0	24	0.27
17	0	20	0.26	22	0.25	25	0
18	0.01	21	0.17	23	0.37	26	0.12
19	0.01	22	0.29	24	0.35	27	0.57
20	0	23	0.26	25	0	28	0
21	0	24	0	26	0	29	0
22	0.01	25	0	27	0	30	0
23	0.01	26	0	28	0	2014	Precip (in)
24	0.01	27	0.05	2014	Precip (in)	May	sum
25	0.01	28	0	Mar	sum	1	0
26	0	29	0	1	0.08	2	0.06
27	0.29	30	0.03	2	0.54	3	0.24
28	0	31	0.01	3	0.17	4	0.39
29	0	2014	Precip (in)	4	0.14	5	0.03
30	0	Jan	sum	5	1.02	6	0
31	0.04	1	0	6	0.52	7	0
2013	Precip (in)	2	0.3	7	0	8	0.22
Nov	sum	3	0	8	0.47	9	0.2
1	0.01	4	0	9	0.51	10	0.01

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
11	0	14	0	16	0	19	0
12	0	15	0	17	0.15	20	0.01
13	0	16	0	18	0.08	21	0.52
14	0	17	0	19	0.05	22	0.11
15	0	18	0	20	0	23	0.23
16	0	19	0.02	21	0	24	0.08
17	0.05	20	0.02	22	0.01	25	0.36
18	0	21	0	23	0.36	26	0.01
19	0	22	0	24	0.48	27	0.01
20	0	23	0.96	25	0.16	28	0.99
21	0	24	0.08	26	0.69	29	0.23
22	0	25	0.01	27	0.06	30	0
23	0.12	26	0	28	0	2014	Precip (in)
24	0.03	27	0	29	0.08	Dec	sum
25	0.08	28	0	30	0.01	1	0
26	0.04	29	0	2014	Precip (in)	2	0
27	0	30	0	Oct	sum	3	0
28	0	31	0	1	0	4	0.02
29	0	2014	Precip (in)	2	0	5	0.09
30	0	Aug	sum	3	0	6	0.16
31	0	1	0	4	0.01	7	0
2014	Precip (in)	2	0.02	5	0	8	0.38
Jun	sum	3	0	6	0	9	0.32
1	0	4	0	7	0	10	0.95
2	0	5	0	8	0	11	0.52
3	0	6	0	9	0	12	0
4	0	7	0	10	0	13	0
5	0	8	0	11	0.04	14	0
6	0	9	0	12	0	15	0
7	0	10	0	13	0.3	16	0
8	0.08	11	0.04	14	0.45	17	0.11
9	0	12	0.04	15	0.38	18	0.35
10	0	13	0.97	16	0	19	0.18
11	0	14	0.01	17	0.11	20	0.15
12	0.01	15	0.02	18	0.03	21	0.2
13	0.43	16	0	19	0	22	0
14	0.1	17	0	20	0.57	23	0.6
15	0.2	18	0	21	0.08	24	0.29
16	0.09	19	0	22	0.84	25	0.4
17	0.04	20	0	23	0.07	26	0
18	0	21	0	24	0.13	27	0.44
19	0.06	22	0	25	0.86	28	0.69
20	0.08	23	0	26	0.02	29	0
21	0	24	0	27	0.01	30	0
22	0	25	0	28	0.34	31	0
23	0.01	26	0	29	0	2015	Precip (in)
24	0	27	0	30	0.55	Jan	sum
25	0	28	0	31	0.79	1	0
26	0.01	29	0.01	2014	Precip (in)	2	0.02
27	0.01	30	0.06	Nov	sum	3	0
28	0.04	31	0.2	1	0	4	0.22
29	0	2014	Precip (in)	2	0.11	5	0.69
30	0	Sep	sum	3	0.32	6	0
2014	Precip (in)	1	0	4	0.17	7	0
Jul	sum	2	0.33	5	0.13	8	0
1	0	3	0.2	6	0.37	9	0
2	0	4	0	7	0	10	0.1
3	0	5	0	8	0	11	0.02
4	0.01	6	0	9	0.42	12	0.01
5	0	7	0	10	0	13	0
6	0	8	0	11	0	14	0
7	0	9	0	12	0	15	0.23
8	0	10	0	13	0	16	0.01
9	0	11	0	14	0	17	0.65
10	0	12	0	15	0	18	0.03
11	0	13	0	16	0	19	0.01
12	0	14	0	17	0	20	0
13	0	15	0	18	0	21	0.01

Precipitation data—Paine Field

Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)	Date	Precip. (in)
22	0.03	3	0.1	17	0	1	0
23	0.23	4	0.14	18	0	2	0
24	0	5	0.73	19	0.1	3	0
25	0.01	6	0.36	20	0.04	4	0
26	0	7	0.44	21	0	5	0
27	0.03	8	0.16	22	0	6	0
28	0	9	0.1	23	0	7	0
29	0	10	0.16	24	0	8	0
30	0	11	0	25	0.1	9	0
31	0	12	0	26	0.11	10	0
2015	Precip (in)	13	0.04	27	0.57	11	0.01
Feb	sum	14	0.04	28	0		
1	0.03	15	0	2015	Precip (in)		
2	0.15	16	0	Mar	sum		

CERTIFICATE OF SERVICE

I, Jessie Sherwood, certify under penalty of perjury of the laws of the State of Washington that on June 26, 2015, I served copies of the foregoing Complaint via United States Mail, postage prepaid with return receipt requested, upon the following:

Citizen Suit Coordinator
Environmental and Natural Resources Division
Law & Policy Section
PO Box 7415
Ben Franklin Station
Washington, DC 20044-7415

Gina McCarthy
Administrator, U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Dennis J. McLerran
Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Ave., Suite 900
Seattle, WA 98101

This certificate is being prepared and maintained according to standard protocol for this office.

Jessie Sherwood 6/26/2015
Jessie Sherwood Date

CERTIFICATE OF SERVICE

SMITH & LONEY, P.L.L.C.
2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883

